



Entered on Docket
September 01, 2009

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

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Attorneys for USACM Liquidating Trust

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:

USA COMMERCIAL MORTGAGE COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,¹

USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND, LLC,²

USA SECURITIES, LLC,³

Debtors.

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under
Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING SECOND
OMNIBUS OBJECTION OF USACM
TRUST TO PROOFS OF CLAIM BASED
UPON INVESTMENT IN THE BAY
POMPANO BEACH LOAN**

Hearing Date: August 21, 2009
Hearing Time: 9:30 a.m.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.

1 The Court having considered the “Second Omnibus Objection of USACM Trust to
2 Proofs of Claim Based Upon Investment in the Bay Pompano Beach Loan” [Docket No.
3 7268] (the “Objection”); due notice of the Objection having been given; no responses
4 having been filed; and good cause appearing:

5 **IT IS HEREBY ORDERED** that:

- 6 1. The Objection is sustained;
- 7 2. The claims listed on **Exhibit A** are allowed as general unsecured
8 claims in the amount of Unremitted Principal shown on **Exhibit A**;
9 and
- 10 3. The remainder of the claims listed on **Exhibit A** are disallowed;

11
12 PREPARED AND RESPECTFULLY SUBMITTED BY:

13 **LEWIS AND ROCA LLP**

14 By /s/ Marvin Ruth (#10979)

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23
24
25
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In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in this case.
- ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below (list each party and whether the party has approved, disapproved, or failed to respond to the document):

U.S. Trustee: August Landis	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

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Submitted by:

LEWIS AND ROCA LLP

By: /s/ Marvin Ruth (#10979)

Rob Charles

John Hinderaker

Marvin Ruth

Attorneys for USACM Liquidating Trust

Claim	Name	Address	Total Claim Amount	Unremitted Principal to be Allowed as Claim	Approximate Amount Subject to Objection
10725-01797	Berkowitz, David M	827 Union Pacific Blvd Pmb 71-404 Laredo, TX 78045	37,353.00	-	37,353.00
10725-01818	Clark, Donald	305 W Moana LN Reno, NV 89509	24,571.96	-	24,571.96
10725-01900	Allen M & Dorothy H Nirenstein Revocable Trust	C/O Allen & Dorothy Nirenstein Ttees 403 Woodland Rd Kentfield, CA 94904-2635	37,005.78	-	37,005.78
10725-02139	Millar Dr, Russell	923 Ceres Rd Palm Springs, CA 92262	22,942.06	-	22,942.06
10725-02351	Melvin, Teri L	2704 Chokecherry Way Henderson, NV 89074	125,025.85	-	125,025.85
10725-02387	Lee, Richard	1446 35Th Ave San Francisco, CA 94122	49,226.62	-	49,226.62
10725-02516	Leblanc, Joan M	Po Box 6434 Incline Village, NV 89450-6434	45,458.12	-	45,458.12
10725-02539	Albiol, Marcia	Po Box 221356 Carmel, CA 93922	50,000.00	-	50,000.00
10725-02571	Oppio, Catherine	Po Box 15 430 Gonowabie Crystal Bay, NV 89402	38,855.38	-	38,855.38
10725-02152	Ramsey, Aaron S & Lara	7713 N 41St St Niwot, CO 80503	76,518.00	12,285.97	64,232.03

EXHIBIT A